

Memorandum

TO: Board of Environmental Protection

FROM: Carole Cifrino, Bureau of Remediation & Waste Management

SUBJ: Amendment of Chapter 415, *Reasonable Costs for the Handling and Recycling of Electronic Wastes*

DATE: November 19, 2009

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I ask your approval to begin proceedings to amend Chapter 415 of the Maine Solid Waste Management Regulations. Chapter 415 establishes the handling standards and procedures to determine the costs manufacturers must pay for the collection and recycling of covered electronic wastes (e-waste) from Maine households.

Statutory and regulatory references

- Maine Administrative Procedures Act, Rulemaking, 5 MRSA §§ 8051-8074;
- Sale of Consumer Products Affecting the Environment, Electronic Waste, 38 MRSA §1610; and
- Department of Environmental Protection (DEP), Solid Waste Management Rules, Chapter 415: Reasonable Costs for Handling and Recycling of Electronic Wastes, 06-096 CMR 415.

Description

In 2004, Maine became the first state to enact an e-waste recycling law that requires producers to be responsible for the recycling of their products at the end of life. The 2004 law required manufacturers to finance the “reasonable costs” of transportation from collection sites, handling and environmentally sound recycling of televisions and computer monitors generated as waste by Maine households. The process and criteria for determining reasonable costs are set forth in Chapter 415. Chapter 415 was adopted by the Board of Environmental Protection on October 20, 2005 and became effective on November 13th that year.

In 2007 and again in 2009, the Legislature enacted changes to 38 MRSA §1610, *Electronic Waste*. The changes made included: clarification of definitions, streamlining of submittal requirements for manufacturers, the addition of desktop printers and game consoles as products subject to the manufacturer responsibility requirements, and a change in the financing basis for televisions from “return share” (actual weight of a manufacturer’s product recycled) to “market share” (a percentage of the total weight of the product recycled). Most of the amendments

proposed for this rule-making are designed to integrate these statutory changes into Chapter 415, with some minor amendments intended to clarify consolidator responsibilities.

Issues

The department has circulated a preliminary draft of the proposed changes to interested parties representing manufacturers, consolidators, municipalities, and NGOs, for their review and comment. We did not receive any adverse comments, and are not aware of any significant issues with the draft rule on the part of the regulated community or other interested parties.

Department recommendation

With your permission, we will begin adoption proceedings under the Maine Administrative Procedures Act by publishing the proposed revisions for public comment, with a comment deadline of Monday, January 4, 2010. Because the proposed revisions implement changes to the statute and current operational practices, we do not think the proposed rule changes warrant a formal public hearing.

Estimated presentation time

20 minutes